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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	CASE NO.: 3:09-CR-00079-MHP
)	
12 Plaintiff,)	[PROPOSED] ORDER CONTINUING
)	CHANGE OF PLEA HEARING AND
13 v.)	REGARDING EXCLUDABLE TIME
)	UNDER SPEEDY TRIAL ACT
14 TOMAS CASTANEDA,)	
)	Current Date: 02/01/2010
15 Defendant.)	New Date: 03/08/2010
)	

16
17 **FINDINGS OF FACT**

18 Upon consideration of the stipulation between defendant Tomas
19 Castaneda and plaintiff United States of America, and for good
20 cause shown, the Court finds that:

- 21 1. The parties agree to the continuance.
- 22 2. The additional time requested herein is not sought for
23 purposes of delay.
- 24 3. The additional time requested by this stipulation is
25 excludable in computing the time within which the trial
26 herein must commence pursuant to the Speedy Trial Act, 18
27 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv).

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1 For all of the above-stated reasons, the ends of justice would
2 be best served by a continuance of the change of plea hearing.

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance
5 outweigh the best interest of the public and the defendants in a
6 speedy trial, since the failure to grant said continuance would be
7 likely to result in a miscarriage of justice, and would deny
8 defendant continuity of counsel, taking into account the exercise
9 of due diligence.

10 The continuance sought herein is excludable under the Speedy
11 Trial Act, 18, U.S.C. § 3161(h) (7) (A), when considering the factors
12 under 18 U.S.C. §§ 3161(h) (7) (B) (i) and (h) (7) (B) (iv).

13 **ORDER**

14 IT IS THEREFORE ORDERED that the February 1, 2010 change of
15 plea hearing be vacated and continued to March 8, 2010, at the hour
16 of ~~9:00~~ 10:00 a.m.

17 IT IS SO FOUND AND ORDERED this 26th day of
18 January, 2010.

19
20
21 HONORABLE
United States

